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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,998	04/14/2000	Richard C. Ebersole	BC1002 US NA	7991

7590 03/11/2002  
S Neil Feltman  
E I du Pont de Nemours And Company  
1007 Market Street  
Wilmington, DE 19898

EXAMINER
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LOEB, BRONWEN

ART UNIT	PAPER NUMBER
1636	12

DATE MAILED: 03/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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Bronwen M. Loeb

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Commissioner of Patents

The communication filed 10 September 2001 is not fully responsive to the Office communication mailed 9 August 2001 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CFR Diskette Problem Report. Applicant must comply with the requirements of the sequences rules (37 CFR 1.821 – 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the reply appears to a bona fide attempt to comply with the requirements of the sequence rules (37 CFR 1.821 – 1.825), applicant is given a **TIME PERIOD of ONE (1) MONTH** from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 – 1.825) in order to avoid abandonment of the application under 37 CFR 1.821 (g). **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication should be directed to Examiner **Bronwen M. Loeb**, Art Unit 1636, whose telephone number is (703) 605-1197.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

It is noted that a restriction requirement was mailed 28 September 2001 and responded to 31 December 2001 (certificate of mailing date 19 October 2001). However, upon closer examination of the specification, it has been found that it is still not in sequence compliance, thus necessitating this communication.

*Remy Yucel*  
**REMY YUCEL, PH.D**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1800**

## Notice to Comply

Application No.

09/548,998

Examiner

Bronwen M. Loeb

Applicant(s)

EBERSOLE ET AL.

Art Unit

1636

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: SEQ ID Nos. 2-6 are listed in the sequence listing as being 1377 nt, 1378 nt, 1377 nt, 1377 nt and 1377 nt respectively. In Figs 1 and 2, however, these same SEQ ID Nos. are indicated as 1385 nt, 1386 nt, 1386 nt, 1386 nt and 1386 nt. It is unknown whether these are identical or different sequences; if identical, why the discrepancy in length? If different, the sequences in the Figures are not in the Sequence Listing or the CRF of the Sequence Listing. It is also unclear if the sequences in Claim 3 are identical to any of the sequences in the Sequence Listing or if they are variants of one or more of the sequences. If the latter, each variant needs to have its own SEQ ID No. and be listed separately in the Sequence Listing and the CRF of the Sequence Listing.

#### Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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